

REMARKS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

In this present amendment, claim 1 has been rewritten to include the features of claims 2 and 3, claim 13 has been rewritten in independent format, and claims 2-6, 8-10, 12, and 15-18 have been cancelled. Claims 1, 7, 11 and 13-14 are presented for examination.

The Examiner's objections to the drawings are moot in view of the amendment to the claims. The Examiner's grounds for rejection of claims 5, 9, 11, and 17 have been removed by the present amendment.

Claim 1 has been amended to include the features of claims 2 and 3. Claim 13 has been rewritten in independent format.

In light of these amendments, it is considered apparent that the Examiner's rejection of claims 1, 2, 4, 6-8, 10, 12, 15 and 16 is moot. The following discussion will address the pending rejections of claims 3 and 13.

Claim 3 (now claim 1) stands rejected as being anticipated by US 1,918,308 to Webber. For the following reasons, the Examiner's rejection is traversed.

Claim 1 defines one preferred embodiment of the invention wherein an inner container has a cylindrical sidewall, a closed end, and an upper rim that is coextensive with the cylindrical sidewall. The inner container is slidably received within an outer

container that includes a circular rim. A sealing member is a membrane that is releasably secured to the inner container upper rim so as to cooperate with the inner container to define a closed space within the inner container. Finally, a sealing cap is sealingly secured to the outer container circular rim so as to secure the inner container within the outer container.

The Webber reference teaches an inner container that is received within an outer container. A top end of the inner container is corrugated or threaded so as to receive a cork plug. The cork plug rests upon a circular rim of an outer container that receives the inner container.

Thus, it is considered apparent that the Webber patent fails to teach or suggest an inner container having "an elongated shape with an upper rim, a cylindrical sidewall, and a closed bottom end, said upper rim being coextensive with said cylindrical sidewall", as required. Rather, Webber teaches an inner container that has an undulating or corrugated sidewall. Since Webber teaches that the inner container configuration is necessary to receive the sealing plug, it is considered apparent that there is no reason in Webber to modify the inner container sidewall into a cylindrical shape.

Further, the present invention as defined in claim 1 includes a sealing member, wherein the sealing member "is a membrane that is releasably secured to the inner container upper rim so as to cooperate with said inner container to define a closed space within said inner container". It is considered apparent that Webber does not teach or suggest such a membrane-type sealing member, and does not teach sealing to the inner container upper rim. Rather, Webber teaches sealing requires insertion of

the plug member into the inner container.

In light of the foregoing, it is submitted that claim 1 is patentable over the Webber patent. Claims 7 and 11 depend from claim 1 and are likewise considered to be allowable over the cited art. Reconsideration and withdrawal of the rejections of claim 1, 7 and 11 is hereby requested.

Claims 13 and 14 stand rejected as being unpatentable over Wetherell, Jr. or Robbins, III in view of Horrocks. For the following reasons, the Examiner's rejections are traversed.

Claim 13 defines the embodiment of the present invention wherein an inner container is received within an outer container. The inner container has an elongated shape with an upper rim, a cylindrical sidewall, and a closed bottom end. The inner container upper rim extends radially from an upper end of the cylindrical sidewall. A sealing member is releasably secured to the inner container upper rim so as to cooperate with the inner container to define a closed space within the inner container. The inner container upper rim rests on the outer container circular rim, the outer container circular rim includes an annular recess, and the inner container upper rim is received within the annular recess.

Claim 14 depends from claim 13 and further defines that the upper surface of the inner container upper rim is generally flush with an upper surface of the outer container circular rim.

It is respectfully submitted that the references, either alone or in combination, fail to teach or suggest the invention defined in claims 13 and 14.

Clearly, neither Robbins nor Wetherell teach or suggest an outer container

having a circular rim with an annular recess that receives the radially extending rim of the inner container. Rather, Robbins and Wetherell, at best, teach the inner container rim rests on the outer container rim in a face to face manner. Horrocks teaches an inner 'container' that has a rim that is received in a recess in the outer container. However, it is submitted that the inner 'container' of Horrocks is perforated, and therefore cannot be considered equivalent to the inner container as defined in claim 13. Therefore, if the inner container/outer container arrangement of Horrocks is adopted, the present invention would not result.

Moreover, and with regard to claim 14, it is submitted that Horrocks does not teach that the "upper surface of said inner container upper rim is generally flush with an upper surface of said outer container circular rim", as required. Rather, Horrocks actually teaches away from this structure (see Col. 3, lines 2-15).

It is clear that Horrocks is directed toward a different field of endeavor than the present invention and the primary references. Notably, Horrocks is not concerned with segregated containers (note the perforated inner container). Thus, the inner container of Horrocks does not include a sealing member, and does not define a closed space, as in the present invention. In this regard it is noted that Horrocks is directed toward a method for mounting a drainage cup within a bottle such that leakage around the exterior threads of the bottle are prevented.

Thus, it is considered apparent that the cited art does not motivate one skilled in the art to combine the references in the manner required to arrive at the presently claimed invention. Rather, the present application provides the only motivation for such a combination of references. Specifically, it is submitted that there is no reason,

absent the present application, to motivate one skilled in the art to combine the teachings of a reference having segregated containers (i.e., Wetherell or Robbins) with that of a reference having non-segregated containers (i.e. Horrocks).

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. JAB-14593.

Respectfully submitted,

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